

U.S. Patent Application Serial No. 10/615,386
Amendment filed September 13, 2006
Reply to OA dated June 14, 2006

REMARKS

The applicant respectfully submits that no new matter has been added. It is believed that this Response is fully responsive to the Office Action dated June 14, 2006.

Claims 1 - 7 are currently pending in this patent application, claims 1 and 7 being independent claims.

The applicant thanks the Examiner for now withdrawing the Kuroda (EP 0 930 617) reference, and for indicating that claims 3 - 5 would be allowable if rewritten in the manner suggested in second full paragraph on page 4 of the outstanding Action.

However, the Examiner now relies on two new references (namely, U.S. Patent No. 6,556,523 to Masui, and U.S. Patent No. 6,498,773 to Sugie) in setting forth the following rejections:

(1) claims 1, 2, 6 and 7 are rejected under 35 U.S.C. §102(e) as being anticipated by Masui; and

(2) claims 2 and 6 are rejected under 35 U.S.C. §103(a) based on Masui in view of Sugie.

The applicant respectfully requests reconsideration of these rejections.

First, the applicant's claimed invention, as recited in independent claim 1, is directed to a recording clock signal generating apparatus located in an information recording device for recording information in a recording medium in which a wobbled information recording track and pre-pit formed thereon. The claimed apparatus includes a wobble signal detecting section for detecting a wobble signal; a pre-pit signal detecting section for detecting a pre-pit signal; a phase comparing section for comparing a phase of the wobble signal to that of the pre-pit signal and outputting the phase difference; a phase-shifting section for shifting a phase of the wobbled signal based on the phase difference only when the phase difference is within a predetermined range; and a clock signal generating section for generating a recording clock signal based on the phase-shifted wobble signal.

A significant distinguishable structural arrangements of the applicant's claimed recording clock signal generating apparatus, as recited in claim 1, includes the claimed phase-shifting section for shifting a phase of the wobbled signal based on the phase difference only when the phase difference is within a predetermined range.

The applicant's claimed invention, as recited in independent claim 7, is directed to a recording clock signal generating method for recording information in a recording medium in which a wobbled information recording track and a pre-pit formed thereon. The claimed method, as now recited in claim 7, includes the steps of detecting a wobble signal; detecting a pre-pit signal; comparing a phase of the wobble signal to that of the pre-pit signal and outputting the phase

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difference; shifting a phase of the wobble signal based on the phase difference only when the phase difference is within a predetermined range; and a clock signal generating step of generating a recording clock signal based on the phase-shifted wobble signal.

A significant distinguishable feature of the applicant's claimed recording clock signal generating method, as set forth in claim 7, includes the claimed step of shifting a phase of the wobble signal based on the phase difference only when the phase difference is within a predetermined range.

In the outstanding Action, the Examiner has taken the position that the primary reference of Masui teaches the phase-shifting section of the applicant's instant claimed invention. The Examiner's position is respectfully traversed. In the applicant's instant claimed invention, the phase-shifting section shifts the phase of wobble signal only when the phase difference between the wobble signal and the pre-pit signal is within a predetermined range.

Masui (which mentions Japanese Laid-Open Patent Application No. 10-293926 in lines 38 - 40, column 1 thereof; see, the attached Patent Abstract of Japan) states, in lines 53 - 57, column 2 thereof, that:

the phase of the recording clock signal is adjusted using the phase adjusting signal generated as a result of the phase of the extracted wobble signal and the phase of the pre-pit detection signal being compared with one another.

However, the phase adjusting signal (SCNT in the attached Patent Abstract) is for adjusting the

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phase of wobble signal (SWB) using the pre-pit signal (SPD), which is assumed to keep correct clock when the wobble signal is affected by cross talk of adjoining track. Such structural arrangement works well as long as the pre-pit signal is correctly recorded and read. However, as mentioned in the applicant's instant specification, there may, for instance, be defects on a disk, which cause erroneous detection of the pre-pit signal.

In the applicant's instant claimed invention, in order to eliminate such erroneous detection, the phase of the wobble signal is shifted only when the phase difference between the wobble signal and the pre-pit signal is within a predetermined range. Masui is silent on the above-discussed structural arrangement or feature of the applicant's claimed invention, as recited in each of independent claim 1 or 7.

In view of the above, not all of the claimed elements or features, as set forth in independent claims 1 and 7, are found in exactly the same situation and united in the same way to perform the identical function in Masui's apparatus. Thus, there can be no anticipation under 35 U.S.C. §102(e) of the applicant's claimed invention, as recited in each of independent claims 1 and 7, based on Masui.

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Furthermore, claims 2 and 6 depend on claim 1, and further limit the scope of claim 1. Thus, at least for the reasons set forth above with respect to claim 1, claims 2 and 6 should now be similarly allowable.

Accordingly, the withdrawal of the outstanding anticipation rejection under 35 U.S.C. §102(e) as being anticipated by Masui (U.S. Patent No. 6,556,523) is in order, and is therefore respectfully solicited.

Second, the secondary reference of Sugie is narrowly relied upon for teaching a “phase comparison” for combining with the teachings of Masui for the reasons specifically set forth in the paragraph bridging pages 3 and 4 of the outstanding Action. However, even if *arguendo* such teaching in Sugie is possible in the manner characterized by the Examiner and may be combined with the teachings of Masui in the manner suggested by the Examiner, such combined teachings would still fall far short in fully meeting the applicant’s claimed invention, as now recited in claim 1 (which includes the claimed phase-shifting section for shifting a phase of the wobbled signal based on the phase difference only when the phase difference is within a predetermined range) from which claims 2 and 6 depend.

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Thus, the applicant's claimed invention, as set forth in claim 1 from which claims 2 and 6 depend, would not have been obvious under 35 U.S.C. §103(a) based on Masui in view of Sugie.

Accordingly, the withdrawal of the outstanding obviousness rejection under 35 U.S.C. §103(a) based on Masui in view of Sugie (U.S. Patent No. 6,498,773) is in order, and is therefore respectfully solicited.

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

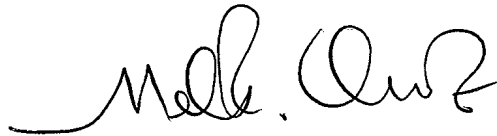
If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosure: Patent Abstracts of Japan (Publication No. 10-293926)

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